

Exhibit 42

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK
4 Index No. 2:16-cv-03652-ENV-ST

5 -----x
6 TOWN OF HEMPSTEAD,

7 Plaintiff,

8 -against-

9 UNITED STATES OF AMERICA, DEPARTMENT
10 OF THE NAVY, NORTHROP GRUMMAN
11 CORPORATION, NORTHROP GRUMMAN SYSTEMS
12 CORPORATION, COVESTRO LLC, BAYER
13 CORPORATION, OCCIDENTAL CHEMICAL
14 CORPORATION, THE KASPER (1977)
15 IRREVOCABLE TRUST FOR THE BENEFIT OF
16 CHARLES B. KASPER AND RICHARD J.
17 KASPER; SANDERINA R. KASPER, as Trustee
18 of the Kasper (1977) Irrevocable Trusts
19 for the Benefit of Charles B. Kasper
20 and Richard J. Kasper; MARTIN STALLER,
21 PARVIZ NEZAMI, JEROME COGAN, LAWRENCE
22 COHEN and AMERICAN DRIVE-IN CLEANERS OF
23 BETHPAGE, INC.,

24 Defendants.

25 -----x

December 3, 2019
10:05 a.m.

DEPOSITION of RICHARD W. HUMANN, P.E.

VOLUME 1

1
2 DEPOSITION of RICHARD W. HUMANN, P.E.,
3 an expert witness herein, taken by the
4 Defendants, pursuant to Notice, held at
5 the offices of Jaspan Schlesinger, LLP,
6 300 Garden City Plaza, Fifth Floor,
7 Garden City, New York, before Lisa H.
8 MacDonald, RPR, and Notary Public of the
9 State of New York.

A P P E A R A N C E S :

JASPAN SCHLESINGER, LLP
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non-party witness

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Morristown, New Jersey 07920

Attorneys for Defendants

COVESTRO, LLC and BAYER

CORPORATION

BY: JOSEPH AMOROSO, ESQ.

ALSO PRESENT:

Kevin Gallagher, Videographer

Genifer Tarkowski, Esq. (present via
telephone)

S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED
by and between the attorneys for the
respective parties hereto that the filing
and sealing be and the same are hereby
waived.

IT IS FURTHER STIPULATED AND AGREED
that all objections except as to the form
of the question, shall be reserved to the
time of the trial.

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed
and sworn to before any notary public
with the same force and effect as though
signed and sworn to before this Court.

1 R.W. Humann, P.E.

2 MR. VIDEOGRAPHER: We are
3 now going on the record at
4 approximately 10:05 a.m. Today's
5 date is December 3, 2019.

6 I'd like to remind everybody
7 at this time that if they haven't
8 already done so, please silence your
9 phones.

10 This is media unit number
11 one of the video recorded deposition
12 of Richard Humann taken by the
13 defendant in the matter of Town of
14 Hempstead versus United States of
15 America. It's filed in the U.S.
16 District Court, the Eastern District
17 of New York. The case number is
18 2:16-cv-03652(ENV)(ST).

19 The deposition is being held
20 at Jaspan & Schlesinger located at
21 300 Garden City Plaza in Garden City,
22 New York.

23 My name is Kevin Gallagher.
24 I'm the videographer from Veritext
25 Video, as Lisa MacDonald is also from

1 R.W. Humann, P.E.

2 Veritext. She is our court reporter.

3 At this time attorneys
4 present in the the room will identify
5 themselves and their affiliations for
6 the record.

7 MR. LEONE: Frank Leone,
8 counsel for defendant Northrop
9 Grumman.

10 MS. KNAUER: Elizabeth
11 Knauer, counsel for defendant
12 Northrop Grumman.

13 MR. SCHUMACHER: Robert
14 Schumacher from the U.S. Attorney's
15 Office on behalf of the United States
16 of America and the Department of the
17 Navy.

18 MR. McDONALD: Christopher
19 McDonald, Whiteman Osterman & Hanna
20 for defendant Occidental Chemical
21 Corporation.

22 MR. AMOROSO: Joseph Amoroso
23 from the law firm of Coughlin & Duffy
24 on behalf of defendants Covestro and
25 Bayer.

1 R.W. Humann, P.E.

2 MS. CAIRO: Lisa Cairo from
3 Jaspan Schlesinger on behalf of
4 plaintiff, Town of Hempstead.

5 MR. FISHER: Scott Fisher,
6 Jaspan Schlesinger, also on behalf of
7 plaintiff Town of Hempstead.

8 MR. VIDEOGRAPHER: And now
9 our reporter will swear the witness
10 and we can proceed.

11 R I C H A R D H U M A N N , after
12 having first been duly sworn by a Notary
13 Public of the State of New York, was
14 examined and testified as follows:

15 EXAMINATION BY

16 MR. LEONE:

17 Q Good morning. How are you?

18 A I'm good. How are you?

19 Q Good.

20 Can you state your name and
21 business address for the record, please?

22 A Richard Humann. Would you
23 like my company name also?

24 Q Yes, please.

25 A H2M Architects & Engineers,

1 R.W. Humann, P.E.

2 two and two together now, okay?

3 MR. FISHER: So if you're not
4 sure of the questions --

5 THE WITNESS: Now I understand.

6 MR. FISHER: So if you need
7 to --

8 Q. So Mr. Leone's instructions from
9 before still apply. If you answer a
10 question, I'm going to assume you
11 understood what I was asking.

12 A. That's fine. That's fine.

13 So OU3 for Hooker RUCO, I did
14 not review. So if Freon-113 was or wasn't
15 included in the OU3 ROD, I don't know.

16 Q. Okay. And are you aware that
17 EPA prepared a five-year review for the
18 Hooker RUCO OU3?

19 A. I have not seen that.

20 Q. Is it fair to say you did not
21 review that in the course of your
22 assignment for this matter?

23 A. Yes.

24 Q. Can you say with any degree of
25 certainty that any of the Freon-113 found

1 R.W. Humann, P.E.

2 in Wells 7A, 8A, and 13 came from the
3 Hooker RUCO property?

4 A. I indicated earlier -- I wasn't
5 specific. I didn't take a look at the
6 potential for Hooker RUCO or the
7 Navy/Northrop Grumman properties
8 individually to be potential sources. My
9 focus was the off-site contamination and
10 the monitoring well network and past
11 practices, you know, that I have just
12 understood over the years of being
13 involved in the plume. So I couldn't tell
14 you with any degree of certainty one way
15 or the other because I hadn't reviewed,
16 you know, any of the activities specific
17 to Hooker RUCO to reach a conclusion one
18 way or the other.

19 MR. MCDONALD: I have nothing
20 further. Thank you.

21 MR. AMOROSO: I have a handful.

22 EXAMINATION BY

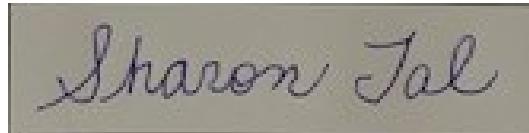
23 MR. AMOROSO:

24 Q. Good afternoon, Mr. Humann. My
25 name is Joseph Amoroso and the law firm is

C E R T I F I C A T I O N

I, SHARON TAL, a Court Reporter and
a Notary Public, do hereby certify that
the foregoing witness, RICHARD W. HUMANN,
P.E., was duly sworn on the date
indicated, and that the foregoing is a
true and accurate transcription of my
stenographic notes.

I further certify that I am not
employed by nor related to any party to
this action.

A rectangular box containing a handwritten signature in cursive script that reads "Sharon Tal".

Sharon Tal